

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KENNETH GIBBS,

Plaintiff,

v.

CARSON, et al.,

Defendants.

No. C 13-0860 TEH (PR)

ORDER SERVING UNSERVED
DEFENDANT MARTINELLI; EXTENDING
DISPOSITIVE MOTION DEADLINE

On February 26, 2013, Plaintiff Kenneth Gibbs, an inmate at California State Prison-Sacramento (CSP-SAC), filed this civil rights action under 42 U.S.C. § 1983 raising twenty-three claims against forty defendants who worked at Pelican Bay State Prison (PBSP), where Plaintiff was formerly incarcerated. On April 24, 2013, the Court issued an Order dismissing the complaint with leave to amend and, on May 8, 2013, Plaintiff filed a first amended complaint (FAC). On May 16, 2013, the Court screened the FAC and ordered service of eight cognizable claims against twelve defendants.

On February 19, 2014, Plaintiff filed a motion for leave to file a second amended complaint (SAC) adding Dr. Thomas

1 Martinelli as a defendant on his Eighth Amendment claim for
2 deliberate indifference to serious medical needs. On May 13, 2014,
3 the Court granted the motion and directed the Marshal to serve Dr.
4 Martinelli at Sutter Coast Hospital in Crescent City, California –
5 where Plaintiff indicated he was located.

6 On June 6, 2014, the United States Marshal informed the
7 Court that it could not serve Dr. Martinelli at the location
8 provided. Accordingly, the Court ordered Plaintiff to provide the
9 Court with a current location for Dr. Martinelli such that the
10 Marshal could effectuate service. Subsequently, on July 30, 2014,
11 Plaintiff provided the following location information for Defendant
12 Martinelli:

13 Thomas J. Martinelli, M.D.
14 860 Miramonte Drive
Santa Barbara, CA 93109

15 Accordingly, the Clerk shall issue summons and the United
16 States Marshal shall serve, without prepayment of fees, copies of
17 the SAC in this matter (docket 95), all attachments thereto, this
18 Order, the Order of Service (docket 16), and the Court's May 13,
19 2014 Order (docket 94) on Defendant Martinelli at the address
20 provided above. The Clerk also shall serve a copy of this Order on
21 Plaintiff.


22 Defendants' dispositive motion is currently due on or
23 before September 15, 2014. Because Defendant Martinelli remains to
24 be served, the Court sua sponte GRANTS an extension of time as
25 follows:

26 Defendants shall file a dispositive motion by November
27 17, 2014. Plaintiff's opposition to the dispositive motion shall
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1 be filed with the Court and served upon Defendants no later than
2 twenty-eight (28) days after Defendants serve Plaintiff with the
3 motion. Defendants shall file a reply brief within fourteen (14)
4 days of the date on which Plaintiff serves them with the
5 opposition.

6 IT IS SO ORDERED.

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8 Dated: 08/12/2014


THELTON E. HENDERSON
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California

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